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Attorneys for Plaintiff James Roskind

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES ROSKIND, an individual,

Plaintiff,

v.

AARON EMIGH, an individual; and  
RADIX LABS LLC, a Nevada limited liability  
company,

Defendants.

Case No. CV-S-05-0825-RCJ-RJJ

**STATUS REPORT**

At a hearing on December 9, 2008, the Court directed the parties to submit within 10 days a settlement statement, if they could agree on settlement terms, an emergency motion, if matters could not be resolved, and a revised judgment, reflecting the results of the bid process. Transcript of December 9, 2008 hearing, p. 6, ll. 7-17.

Mr. Emigh's attorney has submitted a list of Mr. Emigh's expenses incurred in connection with responses to USPTO office actions. Counsel for Dr. Roskind has forwarded to counsel for Mr. Emigh a proposed amended judgment and is forwarding a settlement proposal regarding open issues. At this time it is unclear what can be agreed upon in settlement, as counsel were unable to connect today to discuss them, but undersigned counsel believes the question of what can be settled should be resolved by noon on Monday, December 22.

As a result, undersigned counsel respectfully requests the Court's indulgence and

1 represents that a report on the status of settled matters and, if necessary, a request for emergency  
2 hearing to resolve matters, will be filed with the Court on December 22.

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4 LIONEL SAWYER & COLLINS

5 By: /s/ Gregory R. Gemignani  
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